

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 14-CR-2783 JB
)	
THOMAS R. RODELLA,)	
)	
Defendant.)	

**DECLARATION OF ROBERT J. GORENCE IN SUPPORT OF
DEFENDANT'S SECOND MOTION FOR NEW TRIAL**

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO)

I, **ROBERT J. GORENCE**, being duly sworn, declares and states as follows:

1. I am an attorney at law licensed to practice in the State of New Mexico. I was retained by Mr. Rodella to defend him in the above-referenced criminal action.

2. Mr. Rodella desired a speedy trial and, after his assertion of his speedy trial right, the court promptly set the matter for trial thirty-eight (38) days after Mr. Rodella's arraignment.


3. I prepared for trial in earnest in thirty-eight (38) days and with the assistance of my partner, Louren Oliveros, as co-counsel, as well as Andrea Harris an associate in my law office, I retained an investigator and two experts. In my preparation for trial, I never received from the government nor Mr. Bowles any of the VA medical records pertaining to Thomas Rodella, Jr. I listed Mr. Rodella, Jr., on Mr. Rodella's Trial Witness List on September 10, 2014 (Doc. 61). I never contemplated that the government would cross-examine him with regard to his VA medical records. I was under the belief that the government dismissed the case against

Mr. Rodella, Jr., after AUSA Neda realized that Mr. Rodella had received a traumatic brain injury while serving his country.

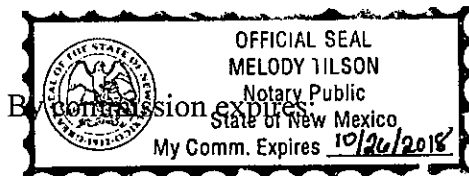
4. Had I received Mr. Rodella, Jr.'s VA medical records, I would have, without exception, retained an expert to evaluate the diagnosis, prognosis, and significance of the information contained within the VA medical records.

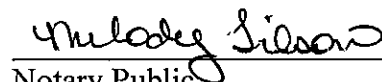
5. At trial, I was completely ambushed by AUSA Neda's use of the VA medical records and I did not have sufficient time, with one hour to understand the import of the medical information, nor did I have time to consult an expert who could have assisted me.

FURTHER AFFIANT SAYETH NOT.


Robert J. Gorence

Subscribed to and sworn before me on this 16th day of January, 2015, by Robert J. Gorence, at Albuquerque, New Mexico.




Notary Public